



Order Filed on January 16, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY

**McCABE, WEISBERG & CONWAY, LLC**  
**By: Alexandra T. Garcia, Esq. (Atty.**  
**I.D.#ATG4688)**

**216 Haddon Avenue, Suite 201**  
**Westmont, NJ 08108**  
**856-858-7080**

Attorneys for Movant: Bayview Loan Servicing,  
LLC

IN re:

Kristine Rhodes  
Debtor

Case No.: 16-23820-ABA

Chapter: 13

Judge: Andrew B. Altenburg Jr.

Recommended Local Form



Followed




Modified

**ORDER RESOLVING MOTION TO VACATE STAY  
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is  
hereby **ORDERED**

**DATED: January 16, 2019**

  
\_\_\_\_\_  
Honorable Andrew B. Altenburg, Jr.  
United States Bankruptcy Court

Applicant: Bayview Loan Servicing, LLC  
Applicant's Counsel: Alexandra T. Garcia, Esq.  
Property Involved ("Collateral"): 236 South Barrett Avenue, Audubon, New Jersey 08106

Relief Sought: ☒ Motion for relief from the automatic stay  
☐ Motion to dismiss  
☐ Motion for prospective relief to prevent imposition of automatic stay  
against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that the Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 7 months, from June 1, 2018 to December 1, 2018
- ☒ The Debtor is overdue for three (3) payments at \$1,496.19, and four (4) payments at \$1,511.94 per month.
- ☒ The Debtor has \$830.23 in suspense  
Total Arrearages Due: \$9,706.10

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$4,500.00. Payment was received on December 26, 2018.
- ☒ Beginning on January 1, 2019, regular monthly mortgage payment shall continue to be made in the amount of \$1,511.94.
- ☒ The amount of \$5,206.10 shall be capitalized in the debtor's Chapter 13 plan. The mortgagee's allowed secured claim shall be amended to include the capitalized post-petition payments listed in this Order to the Proof of Claim as filed. As a result of such capitalization, the Standing Chapter 13 Trustee shall adjust his/her records accordingly and make revised disbursements.

3. Payments to the Secured Creditor shall be made to the following address(es):

- ☒ Immediate payment: Bayview Loan Servicing, LLC  
4425 Ponce de Leon Boulevard, 5th Floor  
Coral Gables, Florida 33146
- ☒ Regular monthly payment: Same as above
- ☐ Monthly cure payment: Same as above

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. In the event the Debtor converts his/her case to a Chapter 11, the terms of the Order shall remain in full force and effect. In the event that the Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of conversion. Failure to cure the arrears shall constitute an event of default under this Order and Movant may certify default as set forth in paragraph 4 of this order.

6. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$350.00 and costs of \$181.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

**Certificate of Notice Page 4 of 4**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Kristine Rhodes  
 Debtor

Case No. 16-23820-ABA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
 Form ID: pdf903

Page 1 of 1  
 Total Noticed: 1

Date Rcvd: Jan 16, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 18, 2019.

db +Kristine Rhodes, 236 S. Barrett Ave, Audubon, NJ 08106-1114

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 18, 2019

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 16, 2019 at the address(es) listed below:

Aleksander P. Powietrzynski on behalf of Creditor JPMORGAN CHASE BANK, N.A.  
 alex@winstonandwinston.com  
 Alexandra T. Garcia on behalf of Creditor BAYVIEW LOAN SERVICING, LLC NJECFMAIL@mw-c-law.com,  
 nj-ecfmail@ecf.courtdrive.com  
 Alexandra T. Garcia on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited  
 Liability Company NJECFMAIL@mw-c-law.com, nj-ecfmail@ecf.courtdrive.com  
 Andrew L. Spivack on behalf of Creditor PennyMac Loan Services, LLC nj.bkecf@fedpne.com  
 Andrew Thomas Archer on behalf of Debtor Kristine Rhodes aarcher@brennerlawoffice.com,  
 bankruptcy@brennerlawoffice.com;r64966@notify.bestcase.com  
 Brad J. Spiller on behalf of Debtor Kristine Rhodes bankruptcy@brennerlawoffice.com,  
 aarcher@brennerlawoffice.com  
 Celine P. Derkrikorian on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited  
 Liability Company njecfmail@mw-c-law.com  
 Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
 Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,  
 summarymail@standingtrustee.com  
 James Patrick Shay on behalf of Creditor PennyMac Loan Services, LLC jpshay@mdwgc.com,  
 jpshay@gmail.com  
 John R. Morton, Jr. on behalf of Creditor Carmax Auto Finance, c/o Morton & Craig, LLC  
 ecfmail@mortoncraig.com, mortoncraigecf@gmail.com  
 Rebecca Ann Solarz on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited  
 Liability Company rsolarz@kmlawgroup.com  
 Rebecca Ann Solarz on behalf of Creditor BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED  
 LIABILITY COMPANY rsolarz@kmlawgroup.com  
 William M.E. Powers, III on behalf of Creditor PennyMac Loan Services, LLC ecfpowers@skirn.com  
 TOTAL: 14